

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WILD HORSE EDUCATION, *et al.*,
Plaintiffs,
v.
U.S. BUREAU OF LAND
MANAGEMENT, *et al.*,
Federal Defendants.

Case No. 3:23-cv-00372-MMD-CLB

**SECOND DECLARATION OF RUTH
THOMPSON**

I, RUTH THOMPSON, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am the Nevada Wild Horse & Burro (WH&B) Program Manager for the Bureau of Land Management (BLM) Nevada State Office, U.S. Department of the Interior. I have been serving in this capacity since April 1, 2018. Prior to that, I served as a WH&B Specialist for BLM in Ely, Nevada for 10 years. I also served as a Natural Resources Specialist for Great Basin Institute for a year and a half, during which time I also worked directly with the Las Vegas WH&B Specialist.
2. I have a Bachelor of Science degree in Animal Science from Utah State University. My curricula included numerous courses directly relevant to the care, treatment, and nutrition of horses, including Horse Science, Horsemanship 1, Horsemanship 2, and Animal Feeding and Nutrition.
3. I have been around horses for most of my life and have extensive knowledge of horses. I have been involved with animal breeding, training, and care. I hoof trim, groom, and treat horses, if animals are ill. I have worked as an animal caretaker for veterinary clinics that care for large animals such as horses, and with the local 4-H in Washoe County to gentle, care, and train wild horses removed from the range.
4. I currently own one horse, and one adopted wild burro. I was also responsible for providing care, treatment, and training for BLM saddle horses within the Ely District before taking my current position in Reno. My love for horses and burros does not tolerate inhumane treatment, personally or professionally to any type of animal, either domestic or wild.
5. My passion for animals and desire to ensure the well-being of wild horses and burros on public lands motivated me to accept a position as a BLM WH&B Specialist and now as the Nevada State wild horse and burro manager.
6. I am responsible for implementation of federal laws applicable to wild horse management, including the Wild Free-Roaming Horses and Burros Act and the National

Environmental Policy Act. My duties as the WH&B Program Manager include providing direct support and guidance to eleven WH&B personnel in six BLM District Offices and twelve Field Offices in Nevada. I advise these offices on the WH&B program and BLM WH&B policies, do budget administration, training, and inter-agency coordination (with local, State and Federal agencies). I also provide management assistance for 83 Herd Management Areas (HMAs) covering approximately 15.6 million acres of public lands in 17 counties in Nevada. This includes overseeing the WH&B activities in the Triple B Complex. The Triple B Complex includes three HMAs (Triple B, Maverick-Medicine, and Antelope Valley West of U.S. Highway 93) and the Cherry Springs Wild Horse Territory (administered by the U.S. Forest Service) which total approximately 1,632,324 acres. *See Exhibit 1.* In addition, I have administrative oversight over one off-range corral in Carson City, which has a total holding capacity of 2,000 animals.

7. Since 2006, I have been involved in all facets of the management of the WH&B program within the State of Nevada and neighboring States. I have conducted WH&B population inventories and health assessments, ecological assessments on BLM rangelands and riparian areas across the State of Nevada and participated in over 54 wild horse and burro gather operations. I have conducted wild horse and burro adoption events and have worked with other agencies (such as police departments, including the New York Police Department, United States Border Patrol, and the military) as well as 4-H kids on training and adopting wild horses and burros. My entire career has involved working with wild horses and burros in the State of Nevada.

8. I have been involved with the management of the Triple B Complex, including review of the gather Environmental Assessments (“EAs”) and Decisions, and assisted gather operations in 2011, 2014, 2015, 2016, 2018, 2019, 2020, 2022 for the Triple B Complex or individual HMAs within the complex. I also conducted in-house trapping operations within the Triple B HMA in 2015 and 2017. During my 10 years as a WH&B specialist for the Ely District, I have visited the Triple B Complex frequently to conduct monitoring, population inventories, and gather operations. Since becoming the Nevada State WH&B Program Manager in 2018, I have continued to visit the Triple B Complex to assist in gather operations, to do range monitoring, and to conduct population inventories.

9. BLM signed the Antelope and Triple B Complex ten-year gather plan Decision Record on December 21, 2017. *See Exhibit 2.* The Decision Record adopts Alternative A from BLM’s 2017 Antelope and Triple B Complexes Environmental Assessment and Gather Plan, which consists of a 10-year gather plan and population control measures resulting in the removal of excess wild horses to achieve and maintain the population at AML. The Triple B Complex gather scheduled to begin on November 1, 2024 implements, and is consistent with, that decision. Since issuing its decision, BLM has gathered from the Triple B Complex several times, which included an emergency gather in 2024 to take immediate action due to lack of water. Although approximately 4,502 excess wild horses have been removed from the Triple B Complex over the past six years, the current population estimate (including the 2024 foaling season) is approximately 3,335 wild horses, which is more than 375% over the high end of the appropriate management level (AML) range of 472-889 for the Triple B Complex. The March 2024 Nevada-specific population estimate data is attached as **Exhibit 3**, and the entire inventory of wild horses and burros on BLM-managed land across the country can be found at

https://www.blm.gov/sites/default/files/docs/2023-04/2023_HMA-HA_PopStats_4-3-2023_Final.pdf.

10. Achieving AML in the Triple B Complex gather is a high priority for BLM's Nevada State Office due to the heavy to severe forage use by excess wild horses in and around the Complex and prevent further deterioration of rangeland resources. This area has had a history of emergency gathers necessary due to lack of forage and water. Although an emergency water and bait trap operation occurred summer of 2024, this has not alleviated the water scarcity issue within the Triple B Complex and animals continue to deteriorate in body conditions and the weaker horses die. BLM's Nevada State Director specifically prioritized and requested a gather of the Triple B Complex to prevent further emergency situations from occurring.

11. As a result of years of drought and the impacts of the extreme overpopulation of wild horses in the Triple B Complex, Elko and White Pine Counties—within which the Triple B Complex is located—have declared “a state of emergency over the excess wild horse herds being allowed to degrade our landscape, damage our water sources, decimate our wildlife and inflict devastating financial hardships on county ranchers.” See **Exhibit 4**.

12. The gather in the Triple B Complex was originally announced to the public in December 2023 and was scheduled to take place during Fiscal Year (FY) 2024 beginning on September 16, 2024.¹ However, due to the overall wild horse overpopulation throughout Nevada and the west, with limited off range holding capacity, the start date for the gather was postponed approximately six weeks. That means that it moved fiscal years, so the FY 2024 gather schedule was updated in late July-early August 2024.² The BLM posted the FY 2025 gather schedule to its public website in September 12, 2024 and the Triple B gather was shown with a start date of November 1, 2024.³ The BLM updated its FY 2025 gather schedule on October 11, 2024 and maintained that start date.⁴ The agency recognizes the need to fulfill its mandate to immediately remove excess wild horses from the range and makes every effort to be able to accommodate these removals based off gather efficiency, off range holding capability, and funding availability.

13. The excess wild horses that still reside within and outside the Triple B Complex boundary are causing resource damage and need to be removed to prevent further degradation of range resources and to provide some opportunity for range resources to recover. Unfortunately, due to high numbers of excess animals present in the Triple B Complex, it is not possible to remove all the excess animals (which in the present situation would mean capture and removal of nearly 3,000 animals from the Triple B Complex) in a single gather operation for logistical and other reasons such as diminishing gather efficiencies and lack of off-range holding space. However, by bringing the wild horse population closer to AML, this will relieve some of the

¹ <https://www.blm.gov/sites/default/files/docs/2023-12/Tentative%20National%202024%20%20Gather%20Sched.%20Revised%20Dec%208%202023.pdf> (last visited October 23, 2024)

² <https://www.blm.gov/sites/default/files/docs/2024-08/Tentative%20National%202024%20%20Gather%20Sched.%20Revised%20Aug%201%202024.pdf> (last visited October 23, 2024)

³ <https://www.blm.gov/sites/default/files/docs/2024-09/Tentative%20FY2025%20Gather%20Schedule%20September%202024.pdf> (last visited October 24, 2024)

⁴ https://www.blm.gov/sites/default/files/docs/2024-10/Tentative%20FY2025%20Gather%20Schedule%20Oct%202024_0.pdf (last visited October 24, 2024)

current pressures on the vegetative and water resources and may reduce the likelihood or severity of conditions that could necessitate further emergency gathers. Beyond the fact that BLM is legally required to remove excess wild horses above AML, pursuant to the Wild Free-Roaming Horses and Burro Act, if BLM does not remove these excess wild horses within and outside the Triple B Complex, rangeland resources will continue to deteriorate, critical forage resources such as bunch grasses will be permanently lost (leading to increased proliferation of non-native grasses and invasive weeds that increase wildfire risk), and the wild horses in the Triple B Complex will continue to face limited forage and water sufficient for their numbers, leading to increased risk of suffering and death of the wild horses – particularly during the unfortunately too-common drought conditions experienced in Nevada, which the range is currently experiencing, or when there are harsh winter conditions such as experienced this past winter.

14. If BLM is unable to complete the November 2024 Triple B Complex gather operations to gather approximately 2,255 animals and remove approximately 2,155 animals, this will have adverse impacts on the rangeland resources and health, as well as wild horse health and well-being. BLM plans to gather and release approximately 100 horses, with a 50:50 sex ratio. Of those, BLM will treat or re-treat approximately 50 mares, which should help to slow the population growth rate in the Triple B Complex.

15. If BLM is prevented from completing the upcoming Triple B Complex gather and thus reaching the full number to be captured and removed this year, it is anticipated that the Triple B Complex is likely to experience conditions that would require more emergency gathers in the future due to the lack of water resources and overpopulation of wild horses. Even though this year has been a high precipitation year overall, the summer has been dry and the overpopulation of excess wild horses is continuing to cause severe to heavy utilization of forage resources as well as impacting limited water resources. The Complex is already experiencing individual horse die off due to lack of water resources and the overpopulation of wild horses. The herd is also expected to grow at rates of approximately 20-25% per year, and the larger the number of excess animals that remain on the range, the more quickly the population will continue to grow. A failure to remove the excess wild horses necessary to make progress toward reaching AML could result in irreparable harm to vegetative and water resources that are already depleted and degraded, would negatively impact local wildlife, and would be detrimental to the health and well-being of wild horses that remain on the range.

16. Gather operations are scheduled to begin on November 1, 2024, although the contractor will likely begin to mobilize, including traveling to the gather site and beginning preparation activities, on October 30 or 31. On its website, the BLM has provided the public notice and an opportunity to observe the trapping operations at some locations.⁵ The BLM may also be able to provide the public with an opportunity to observe at the temporary corrals, depending on location and conditions. The BLM's website provides information for the public about the gather including the observation protocol, a Q&A, and how to sign up to observe the gather operations. During the gather, the website will be updated daily with the previous day's gather report that outlines how many horses were gathered, weather conditions, and any notable events. From the temporary corrals, removed horses will be transferred to Palomino Valley Center Wild Horse and

⁵ <https://www.blm.gov/programs/wild-horse-and-burro/herd-management/gathers-and-removals/nevada-elko-do-wells-fo-ely-do> (last visited October 23, 2024).

Burro Corrals in Sparks, Nevada, and Indian Lakes Off-Range Wild Horse and Burro Corral in Fallo, Nevada. *See Exhibit 5.*

17. Generally during gather operations, horses are brought in from the range by helicopter. Helicopters start the horses moving in the right direction then release pressure and allow them to travel at their own pace. Pressure is only added when horses need to change direction or are approaching the entrance in which case their movement could be at a faster pace. After capture, they are then transported to a temporary corral located on the range. In that temporary corral, the horses are sorted by sex and the younger or weaker horses are put in a separate corral to prevent injury during transportation. The horses are initially checked in the temporary corral for any injuries or other chronic conditions, then provided food and water, before being transported (on a following day) to an off-range corral in Nevada for processing in anticipation of adoption, sale, or off-pasture care.

18. While the 2024 Triple B Complex gather trap sites have not yet been selected by the contractor, the BLM makes efforts to provide public observation for gather operations. Consistent with BLM policy and safety requirements, the BLM provides public observation sites for the trap in a safe area that allows viewing of the gather operation while not jeopardizing the safety of the animals, staff, or disruption to gather operations. When finding a public viewing location at a trap site, BLM needs to put the public at a minimum of 1,000 feet from an area that the helicopter may be herding horses or flying over for safety, as well as to comply with FAA and contract requirements. BLM tries to put the public in an area where they can see most of the operation but far enough that when the helicopter or wranglers are working the animals they will not be disturbed by the public. Wild horses that have not been trapped or been around humans are very flighty and will react to many things around them. For the safety of the animals and wranglers, it is critical to minimize any unnecessary movements. Due to the nature of a trap needing a geographical feature such as a hill or a turn so the horses can't see the trap before running into it, the public usually cannot be located in a spot to see the entire run. BLM tries to rotate so that sometimes observers can see the wings of the trap and sometimes they see the corrals and loading process. Generally, observers can see the horses coming in from the valley, but not the entire operation at once.

19. BLM also provides public observation opportunities to view the horses in the temporary corrals during gather operations, subject to BLM policy, safety requirements, and landowner permission (if located on private land). In general, when viewing horses at the temporary corrals, the public can view the horses from a distance of a couple hundred yards, again for the safety of the animals and wranglers working them. Once the horses have been examined, sorted, fed and watered, BLM allows any observers to walk around and view the horses. The distance that visitors must be from the corral can vary depending on the overall state of the gathered horses from that area (e.g., are they exhibiting nervousness or flightiness in the corral) but would typically not be any closer than approximately 20 feet from the corrals to avoid agitating the horses after they have settled. BLM also takes that time to talk to the public observers and address any concerns of animal health or safety that the observers may express.

20. All the horses removed from the Triple B Complex since the BLM's 2017 decision were sent for preparation to Off-Range Corral (ORC) facilities that are either open to the public or provide public viewing opportunities. Over 2,400 of the wild horses that were removed were

sent to BLM's Palomino Valley Wild Horse and Burro Center (PVC)⁶ in Reno, Nevada or Litchfield ORC⁷ in Litchfield, California. Both of those facilities are open to the public Monday through Friday from 8am to 4pm, except federal holidays. The remaining wild horses that were removed from the Triple B Complex were sent to the privately-owned Sutherland ORC in Sutherland, Utah or the Indian Lakes ORC in Fallon, Nevada. The BLM offers at least yearly public tours of each of those facilities. Plaintiff attended the tour of Sutherland ORC in 2022⁸ and Indian Lakes ORC in 2023.⁹ The BLM is offering a tour of Indian Lakes ORC on October 25, 2024—where the horses removed during the earlier 2024 emergency gather are currently being held.¹⁰ After preparation at these ORCs, horses were then moved to different facilities around the country. Some are still in training or are awaiting adoption or sale, but many others have been adopted or sold. Still others have been transferred to off-range pastures in the Midwest for long-term care.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Ruth Thompson
Nevada Wild Horse & Burro Program Lead
Bureau of Land Management
U.S. Department of the Interior

⁶ <https://www.blm.gov/programs/wild-horse-and-burro/adoptions-and-sales/adoption-centers/palomino-valley-adoption-center> (last visited October 23, 2024).

⁷ <https://www.blm.gov/programs/wild-horse-and-burro/adoptions-and-sales/adoption-centers/litchfield-off-range-corral> (last visited October 23, 2024).

⁸ <https://wildhorseeducation.org/2022/06/08/sutherland-the-search-continues/> (last visited October 23, 2024).

⁹ <https://wildhorseeducation.org/2023/11/01/indian-lakes-broken-arrow-visit-report-part-2/> (last visited October 23, 2024).

¹⁰ <https://www.blm.gov/announcement/bureau-land-management-offers-public-tour-indian-lakes-range-corral-located-fallon> (last visited October 23, 2024).